

offered thereto, and he may not yield to another to offer an amendment.

An example of the proposition described above occurred on May 31, 1984,⁽¹⁾ during consideration of H.R. 5167, the Department of Defense authorization bill. The proceedings in the Committee of the Whole were as follows:

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dickinson: At the end of this bill insert the following new section. . . .

MR. DICKINSON (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:⁽²⁾ Is there objection to the request of the gentleman from Alabama?

There was no objection.

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, will the gentleman yield to me?

MR. DICKINSON: I am very pleased to yield to the chairman of the committee.

MR. PRICE: Mr. Chairman, I would like to offer a perfecting amendment to the amendment offered by the gentleman from Alabama. The amendment is at the desk.

THE CHAIRMAN: The Chair will make the observation that the gentleman

1. 130 CONG. REC. 14648, 98th Cong. 2d Sess.
2. Dan Rostenkowski (Ill.).

has not yet discussed his amendment. At the conclusion of that discussion, it will then be in order for the gentleman to offer an amendment.

§ 14. Effect of Previous Question; Expiration of Time for Debate

Amendments Cut Off by Previous Question

§ 14.1 The demand for the previous question cuts off further amendments unless the previous question is rejected.

On June 12, 1961,⁽³⁾ during consideration, in the House as in Committee of the Whole, of a bill⁽⁴⁾ relating to admission of certain evidence in the District of Columbia courts, the following proceedings took place:

MR. [JOHN L.] McMILLAN [of South Carolina]: Mr. Speaker, I move the previous question. . . .

MR. [WILLIAM C.] CRAMER [of Florida]: Mr. Speaker, I have previously announced I would offer an amend-

3. 107 CONG. REC. 10080, 87th Cong. 1st Sess.

For further application of the principle that a resolution before the House is subject to amendment if the motion for the previous question is voted down, see 95 CONG. REC. 10, 81st Cong. 1st Sess., Jan. 3, 1949.

4. H.R. 7053 (Committee on the District of Columbia).

ment to make it applicable nationwide in conformance with a bill reported by the Committee on the Judiciary. Could the Chair advise me as to when and if such an amendment is in order and under what circumstances?

THE SPEAKER PRO TEMPORE:⁽⁵⁾ The Chair will state that the amendment can be offered only if the previous question is voted down.

§ 14.2 An amendment to the body of a resolution reported by the Committee on Rules should be offered before the previous question is moved.

On Feb. 28, 1949,⁽⁶⁾ the House having under consideration a resolution reported by the Committee on Rules which contained authority to spend money from the contingent fund of the House, a matter within the jurisdiction of the Committee on House Administration, struck out such authority by an amendment:

MR. [JOHN E.] LYLE [Jr., of Texas]: Mr. Speaker, I call up House Resolution 44 and ask for its immediate consideration. . . .

Resolved, That the Committee on Merchant Marine and Fisheries or any duly authorized subcommittee thereof is authorized to make a full and complete study. . . .

MR. LYLE: At what time would an amendment be proper? Now, or after

the previous question has been ordered?

THE SPEAKER:⁽⁷⁾ An amendment to the body of the resolution should be offered now.

MR. LYLE: I offer an amendment, Mr. Speaker, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. Lyle:

On page 3, line 6, after the word "oaths" and the semicolon, insert the word "and."

On page 3, line 7, after the word "testimony", strike out the semicolon and the words "and to make such expenditures as it deems advisable."

Page 3, line 8, after the word "advisable", strike out the period and the remainder of the paragraph down to and including the word "administration" in line 14.

THE SPEAKER: The question is on agreeing to the amendments.

The amendments were agreed to.

THE SPEAKER: The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

MR. LYLE: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lyle: Page 1, strike out the preamble of the resolution.

The amendment was agreed to.

§ 14.3 Where the previous question is ordered in the House on a pending resolution and the amendment thereto, the vote immediately recurs on the adoption of the

5. W. Homer Thornberry (Tex.).

6. 95 CONG. REC. 1617, 1619, 81st Cong. 1st Sess.

7. Sam Rayburn (Tex.).

resolution after the disposition of the amendment, and no intervening amendment is in order.

On Jan. 3, 1969,⁽⁸⁾ during consideration of a resolution⁽⁹⁾ authorizing Speaker John W. McCormack, of Massachusetts, to administer the oath of office to Adam Clayton Powell, of New York, the following proceedings took place:

MR. [CLARK] MACGREGOR [of Minnesota]: . . . Mr. Speaker, I now move the previous question on the amendment and the resolution.

THE SPEAKER: The gentleman from Minnesota moves the previous question on the amendment and the resolution. The question is on ordering the previous question.

The previous question was ordered.

THE SPEAKER: The question is on the substitute amendment offered by the gentleman from Minnesota (Mr. MacGregor). . . .

So the substitute amendment was rejected. . . .

THE SPEAKER: The question recurs on the adoption of the resolution offered by the gentleman from New York (Mr. Celler).

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker . . . I have a substitute at the Clerk's desk.

THE SPEAKER: The Chair will state that the previous question has been ordered not only on the amendment but also on the resolution. Therefore, a substitute is not in order at this time.

8. 115 CONG. REC. 27-29, 91st Cong. 1st Sess.

9. H. Res. 1.

The question is on the resolution offered by the gentleman from New York (Mr. Celler).

Effect of Previous Question on Amendments to Motion To Recommit

§ 14.4 A straight motion to recommit a bill is not amendable unless the previous question is voted down on that motion.

On Feb. 5, 1974,⁽¹⁰⁾ the following proceedings took place:

THE SPEAKER:⁽¹¹⁾ The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Blackburn moves to recommit the bill H.R. 11221 to the Committee on Banking and Currency.

MR. [ROBERT G.] STEPHENS [Jr., of Georgia]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. STEPHENS: Mr. Speaker, is a straight motion to recommit amendable?

THE SPEAKER: Not when the previous question is ordered. If the previous question is ordered, it is not amendable.

MR. STEPHENS: In other words, in order to give me a chance, we will have to vote down the previous question. . . .

10. 120 CONG. REC. 2079-81, 93d Cong. 2d Sess. Under consideration was H.R. 11221, amending the Federal Deposit Insurance Act.

11. Carl Albert (Okla.).

THE SPEAKER: The question is on ordering the previous question. . . .

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 11, noes 259, answered “present” 24, not voting 24. . . .

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Speaker, I offer an amendment to the motion to recommit. . . .

THE SPEAKER: . . . The Clerk will report the amendment to the motion to recommit.

Reconsideration of Vote Whereby Previous Question Was Ordered

§ 14.5 Where the previous question had been ordered on a resolution creating an investigating committee, the vote whereby the previous question was ordered was reconsidered and the motion for the previous question rejected, so that the Member in charge could yield to another for the purpose of offering an amendment to the resolution.

On Mar. 27, 1945,⁽¹²⁾ during consideration of House Resolution 195, creating a select committee to investigate supplies and shortages of food, the previous question was moved on the resolution:

THE SPEAKER:⁽¹³⁾ The unfinished business is the further consideration of

12. See 91 CONG. REC. 2861, 2862, 79th Cong. 1st Sess.

13. Sam Rayburn (Tex.).

House Resolution 195, on which there are 2 minutes of debate remaining.

The Chair recognizes the gentleman from Georgia (Mr. Cox).

MR. [EDWARD E.] COX: Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

THE SPEAKER: The question is on the resolution.

The question was taken; and the Chair announced that the “ayes” appeared to have it.

MR. [JOHN W.] FLANNAGAN [Jr., of Virginia]: Mr. Speaker, I demand a division.

MR. COX: Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the previous question was ordered.

MR. FLANNAGAN: I object, Mr. Speaker.

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. KEEFE: Mr. Speaker, this scenery is moving so fast here I just do not understand the procedure. As I understand, we had under consideration a resolution from the Committee on Rules and there were 2 minutes of debate remaining. I had a very distinct understanding yesterday with the gentleman from New Mexico [Mr. Anderson], and with the gentleman from Georgia [Mr. Cox], that before this resolution was voted on an amendment to the resolution would be offered, and that the gentleman from Georgia would yield for the purpose of offering that amendment.

MR. COX: The gentleman is correct.

MR. KEEFE: Mr. Speaker, I should hesitate very much to see this thing move so very rapidly before that agreement is consummated. . . .

Mr. Speaker, may I ask what the situation is which now confronts us?

THE SPEAKER: The situation at present is that the previous question has been ordered on the resolution.

MR. KEEFE: Then, in view of that situation, if the gentleman from Georgia, in charge of the resolution, yields, is the resolution subject to amendment?

THE SPEAKER: The gentleman does not have the right to yield since the previous question has been ordered.

MR. ANDERSON of New Mexico: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ANDERSON of New Mexico: Mr. Speaker, if the previous question is voted down, will the gentleman from Georgia [Mr. Cox] then have the right to yield to me for the purpose of offering an amendment?

THE SPEAKER: The Chair will state that the previous question has already been ordered. The motion for the previous question offered by the gentleman from Georgia [Mr. Cox] has already been agreed to.

MR. COX: Mr. Speaker, I move that the House reconsider the vote by which the previous question was ordered. I am compelled to make that motion because of the agreement that the gentleman from Wisconsin [Mr. Keefe] has stated was made between himself and the gentleman from New Mexico [Mr. Anderson]. . . .

THE SPEAKER: That question has not been decided.

A motion to reconsider is in order and the Chair must recognize the gen-

tleman from Georgia [Mr. Cox] who made the motion to reconsider the vote by which the previous question was ordered, which the Chair has done.

MR. FLANNAGAN: Mr. Speaker, is such a motion in order after the vote on the resolution has been ordered?

THE SPEAKER: Certainly, at any time.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, inasmuch as a misunderstanding has evidently occurred, I ask unanimous consent that all proceedings beyond the motion for the previous question be vacated and that the question on ordering the previous question again be put by the Speaker.

MR. FLANNAGAN: Mr. Speaker, I object. . . .

THE SPEAKER: The question is on the motion of the gentleman from Georgia [Mr. Cox] to reconsider the vote by which the previous question was ordered.

The motion was agreed to.

THE SPEAKER: The question is on ordering the previous question.

The motion for the previous question was rejected.

MR. ANDERSON OF NEW MEXICO: Mr. Speaker, will the gentleman from Georgia [Mr. Cox] yield?

MR. COX: Mr. Speaker, I yield to the gentleman from New Mexico [Mr. Anderson].

MR. MICHENER: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. ANDERSON of New Mexico: I yield.

MR. MICHENER: Mr. Speaker, the acting chairman of the Committee on Rules having yielded for the offering of an amendment, as I understand the

rule, the gentleman from New Mexico now has 1 hour, and the gentleman from Georgia has lost the floor.

THE SPEAKER: The gentleman is correct.

Amendment Offered and Previous Question Moved on Amendment and Resolution

§ 14.6 Where a member of the Committee on Rules calling up a resolution reported by that committee offered an amendment after debate on the resolution had concluded, and then immediately moved the previous question on the amendment and the resolution, the Speaker ruled that the amendment was proper, but indicated that the amendment would be debatable only if the previous question were rejected.

On Mar. 11, 1941,⁽¹⁴⁾ the following proceedings took place:

MR. [EDWARD E.] COX [of Georgia]: Mr. Speaker, I call up House Resolution 120, which I send to the desk and ask to have read. . . .

Mr. Speaker, I have stated that the language proposed by the gentleman from New York [Mr. Wadsworth] is an improvement to this bill, and I offer it

as an amendment to the bill, and Mr. Speaker, I move the previous question on the amendment and the resolution.

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Speaker, I make the point of order that the resolution is not subject to amendment until the previous question has been disposed of. . . .

THE SPEAKER:⁽¹⁵⁾ It is in order for the gentleman from Georgia [Mr. Cox] to offer the amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Cox: On page 2, line 20, after section 2, strike out section 3 and insert the following:

"Sec. 3. The committee may withhold from publication such information obtained by it as in its judgment should be withheld in the public interest."

THE SPEAKER: The gentleman from Georgia [Mr. Cox] moves the previous question on the amendment and the resolution.

MR. MAY: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MAY: Mr. Speaker, I desire to inquire whether or not the amendment as offered is debatable before the previous question is voted upon.

THE SPEAKER: The previous question has been moved. If the previous question is voted down, the amendment would be subject to debate.

§ 14.7 When an amendment is offered to a pending resolution and the previous ques-

14. 87 CONG. REC. 2182, 2189, 77th Cong. 1st Sess. Under consideration was H. Res. 120, relating to an investigation of national defense.

15. Sam Rayburn (Tex.).

tion is immediately moved on the resolution and on the amendment, the 40 minutes of debate under clause 3 of Rule XXVII⁽¹⁶⁾ does not apply if the main question has been debated.

See §14.6, *supra*, wherein the Chair did not allow debate on an amendment on which the previous question had been moved.

Amendment to Motion To Refer Presidential Message

§ 14.8 An amendment to a motion to refer a message of the President to a committee is in order only when the motion for the previous question is rejected or the Member making the original motion yields for that purpose.

On June 3, 1937,⁽¹⁷⁾ he following proceedings took place:

MR. [WILLIAM M.] WHITTINGTON [of Mississippi]: Mr. Speaker, I move that the message of the President be referred to the Committee on Flood Control and ordered to be printed. . . .

MR. [JOSEPH J.] MANSFIELD [of Texas]: Would it be in order for me as

16. *House Rules and Manual* §907 (101st Cong.). The rule provides for 40 minutes of debate when the previous question has been ordered "on any proposition on which there has been no debate."

17. 81 CONG. REC. 5297, 5298, 75th Cong. 1st Sess.

chairman of the Committee on Rivers and Harbors to move, as a substitute for the motion of the gentleman from Mississippi, that the message be referred to the Committee on Rivers and Harbors? . . .

THE SPEAKER:⁽¹⁸⁾ The gentleman from Texas propounds a parliamentary inquiry to the Chair as to whether the gentleman would be entitled to offer as a substitute for the motion made by the gentleman from Mississippi a motion to refer the President's message to the Committee on Rivers and Harbors.

The Chair, anticipating that this question might arise, has looked rather fully into the precedents in reference thereto and finds that on April 4, 1933, when Mr. Rainey was Speaker of the House, this identical proposition was presented.

At that time it will be recalled that a bill was pending with reference to the refinancing of farm-mortgage indebtedness. Two committees claimed jurisdiction of the subject matter of that bill, the Committee on Banking and Currency and the Committee on Agriculture.

When the President's message was read the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. Jones], moved that the President's message be referred to the Committee on Agriculture. Thereupon the specific inquiry now propounded by the gentleman from Texas [Mr. Mansfield] was made.

The Chair reads the query and the answer of the Speaker:

MR. STEAGALL: Mr. Speaker, I desire at the proper time to submit a

18. William B. Bankhead (Ala.).

substitute motion that the message be referred to the Committee on Banking and Currency.

Mr. Jones said:

Mr. Speaker, I do not yield for that purpose.

The Speaker stated:

The gentleman from Texas does not yield. It is necessary to vote down the previous question before that motion will be in order.

The gentleman from Mississippi [Mr. Whittington] is entitled to 1 hour, and the Chair understands he has perfected an arrangement with the gentleman from Texas [Mr. Mansfield] by which he will yield to the gentleman from Texas one-half of that time. At the conclusion of the debate of 1 hour the Chair assumes the gentleman from Mississippi will move the previous question on the motion referring the message to the Committee on Flood Control. If the previous question should be voted down, then the gentleman from Texas [Mr. Mansfield] would have the right and privilege of offering an amendment to the motion to refer the message.

Amendments Offered After Expiration of All Debate Time

§ 14.9 In the Committee of the Whole, where all time for debate on a section of a bill and amendments thereto has expired, amendments may still be offered to the section but are voted on without debate, except in certain cases where a Member has caused

an amendment to be printed in the Record⁽¹⁹⁾ pursuant to the House rules.

On Mar. 26, 1965,⁽²⁰⁾ before clause 6 of Rule XXIII was amended as noted above, the following proceedings took place during consideration of the Elementary and Secondary Education Act of 1965.⁽¹⁾

MR. [CHARLES E.] GOODELL [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows: . . .

MR. [JAMES C.] CLEVELAND [of New Hampshire]: May I have an explanation of the amendment just read? Is there any way I can have it explained?

THE CHAIRMAN:⁽²⁾ All debate has been closed, by order of the Committee, on this section.

MR. CLEVELAND: No matter what the amendment is, all debate is closed off?

THE CHAIRMAN: The gentleman must be aware of the rules with respect to this.

19. See Rule XXIII clause 6, *House Rules and Manual* § 874 (101st Cong.), permitting 10 minutes debate on an amendment which has been printed in the *Congressional Record* even though debate has been closed by the Committee of the Whole. The same rule provides for amendments to be offered without debate even after the Committee of the Whole has voted to close debate on a section or paragraph, or amendments thereto, of a bill.

20. 111 CONG. REC. 6097, 89th Cong. 1st Sess.

1. H.R. 2362.

2. Richard Bolling (Mo.).

On Nov. 15, 1967,⁽³⁾ in another application of the principle, the Chairman⁽⁴⁾ responded to an inquiry as to the effect of an order extending the time fixed for debate and allocating such extra time to specified Members. The proceedings were as follows:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Chairman, I ask unanimous consent that the order limiting the time to 8:05 p.m. be vacated and that all time on this section be closed at 8:45 p.m.

THE CHAIRMAN: Is there objection to the request of the gentleman from Oklahoma?

There was no objection. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Under the unanimous-consent request of the gentleman from Oklahoma, the previous order was vacated. Does that mean the allocation of time under that was also vacated?

THE CHAIRMAN: Yes. The Chair then allocated the additional 30 minutes among the Members on the list he had before him. . . .

MR. [ALBERT H.] QUIE [of Minnesota]: If a Member has an amendment at the desk but his name is not on the list, he will not be precluded from offering his amendment; is that correct?

THE CHAIRMAN: No. There is no question about that. If a Member's name is not on the list, he will not have any time, but his amendment will be voted on.

3. 113 CONG. REC. 32691-94, 90th Cong. 1st Sess. Under consideration was S. 2388 (Committee on Labor and Public Welfare).
4. John J. Rooney (N.Y.).

§ 14.10 The expiration of a limitation on debate under the five-minute rule in Committee of the Whole does not prohibit the offering of further amendments, but such amendments are not subject to debate (if not printed in the Congressional Record).

On June 14, 1979,⁽⁵⁾ the Committee of the Whole having under consideration H.R. 4388,⁽⁶⁾ the above-stated proposition was illustrated as indicated below:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment as a substitute for the amendment, as amended. . . .

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, on the amendment, as amended, I ask for a rollcall vote.

THE CHAIRMAN:⁽⁷⁾ The Chair has not yet put the question on the amendment, as amended.

MR. BEVILL: I ask for a vote then.

MR. DINGELL: Mr. Chairman, I happen to have an amendment in the nature of a substitute.

THE CHAIRMAN: The Chair had recognized the gentleman from Michigan and asked him for what purpose he sought recognition. The gentleman indicated that he had an amendment.

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, a point of order.

5. 125 CONG. REC. 14993, 14994, 96th Cong. 1st Sess.
6. The Energy and Water Development Appropriation Bill for fiscal year 1980.
7. Philip R. Sharp (Ind.).

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: Mr. Chairman, when the gentleman from Alabama, the chairman of the subcommittee, requested an agreement to end debate, there was no objection on the amendment and amendments thereto. At that point the vote was put.

I suggest to the Chair that it is in order now to vote on the amendment.

MR. DINGELL: Mr. Chairman, I have an amendment I desire to offer as a substitute at this time.

THE CHAIRMAN: The Chair will indicate to the gentleman from Washington that we are operating under a time limit; however, that does not exclude the possibility of offering an amendment as a substitute, though no debate will be in order in the absence of a unanimous-consent request.

Therefore, the Clerk will read the amendment.

§ 14.11 While a perfecting amendment may be offered pending a motion to strike out a title, it is not debatable, except by unanimous consent, if offered after expiration of all debate time under a limitation unless printed in the Record.

On July 29, 1983,⁽⁸⁾ during consideration of H.R. 2957⁽⁹⁾ in the Committee of the Whole, debate

8. 129 CONG. REC. 21678, 21679, 98th Cong. 1st Sess.

9. International Monetary Fund Authorization.

had been terminated by motion on the bill and all amendments thereto. Only amendments protected by Rule XXIII clause 6 were still subject debate under the five-minute rule. An amendment was offered, as follows:

MR. [WILLIAM N.] PATMAN [of Texas]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:⁽¹⁰⁾ Is the amendment printed in the Record?

MR. PATMAN: Yes, it is.

The Clerk read as follows:

Amendment offered by Mr. Patman: Strike line 13 on page 18 and all that follows through line 8 on page 28. . . .

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I have a perfecting amendment to title III at the desk which I offer.

The Clerk read as follows:

Perfecting amendment offered by Mr. Gonzalez: On line 18, page 19, strike out "6,310.8 million Special Drawing Right" and insert in lieu thereof "1,750 million Special Drawing Rights". . . .

MR. GONZALEZ: Mr. Chairman, this is a perfecting amendment to the Patman amendment which strikes title III.

THE CHAIRMAN: The Chair would inquire of the gentleman from Texas whether this perfecting amendment has been printed in the Record.

MR. GONZALEZ: No, Mr. Chairman, it has not been printed in the Record.

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: I have a point of order,

10. Donald J. Pease (Ohio).

Mr. Chairman. I think that the amendment is not in order.

THE CHAIRMAN: The Chair would state that the amendment offered by the gentleman from Texas [Mr. Gonzalez] is a perfecting amendment to title III. As such, it takes precedence over a motion to strike. It is in order.

. . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, is it not the case that when a Member offers a perfecting amendment to an amendment such as is the case before us now, he should be recognized for 5 minutes to explain his amendment?

THE CHAIRMAN: The Chair will state that the rules do not provide for any debate after a limitation of time on any amendment which has not been previously printed in the Record.

MR. GONZALEZ: Mr. Chairman, I ask unanimous consent that I may be permitted to explain my amendment.

MR. [DOUG] BARNARD Jr., [of Georgia]: Mr. Chairman, I object.

Adoption of Motion Closing Debate

§ 14.12 Pursuant to House rules,⁽¹¹⁾ amendments not printed in the Record may be offered to a bill and voted on without debate, although all five-minute debate on the bill has been closed by motion.

On Aug. 3, 1972,⁽¹²⁾ an inquiry arose regarding the effect of a motion to limit debate.

11. Rule XXIII clause 6, *House Rules and Manual* §874 (101st Cong.).

12. 118 CONG. REC. 26622, 92d Cong. 2d Sess. Under consideration was H.R.

THE CHAIRMAN PRO TEMPORE:⁽¹³⁾ As the Chair understands the motion, the gentleman from Texas moves that all debate on this bill cease in 10 minutes.

MR. [WRIGHT] PATMAN [of Texas]: That is correct.

MR. [SIDNEY R.] YATES [of Texas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. YATES: Does that mean that all Members will be precluded from offering amendments after the expiration of the 10 minutes?

THE CHAIRMAN PRO TEMPORE: No; the Members just have 10 minutes in which to complete the debate.

Rejection of Motion To Strike Enacting Clause

§ 14.13 Rejection by the Committee of the Whole or by the House of a preferential motion to recommend striking, or to strike, the enacting clause, permits the offering of proper amendments notwithstanding expiration of all debate time on the bill, but only amendments which have been printed in the Record may be debated for five minutes on each side.

On July 29, 1983,⁽¹⁴⁾ the proposition described above was dem-

15989 (Committee on Banking and Currency).

13. Sam M. Gibbons (Fla.).

14. 129 Cong. Rec. 21675, 21676, 98th Cong. 1st Sess.

onstrated during consideration of H.R. 2957,⁽¹⁵⁾ in the Committee of the Whole. The proceedings were as follows:

MR. [TRENT] LOTT [of Mississippi]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN:⁽¹⁶⁾ The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. Lott moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, I have a parliamentary inquiry. . . .

Earlier today, Mr. Chairman, a request was made for unanimous consent to limit debate to 12 o'clock. That was defeated. Later it was put in the form of a motion and that carried, limiting the debate to 12 o'clock today. That, therefore, closed debate past the hour of 12 o'clock.

Now, a motion to rise is being made by the minority whip. Does that foreclose now the offering of further amendments should that motion to rise carry?

THE CHAIRMAN: If the preferential motion to strike the enacting clause carries, further amendments would not be in order. . . .

MR. [RONALD E.] PAUL [of Texas]: Mr. Chairman, if this motion were to fail, whose amendments will be protected? Only those who have amend-

ments printed in the Record, or anybody who has an amendment?

THE CHAIRMAN: Under the rule, if this motion is defeated, any amendment printed in the Record could be offered and debated for 5 minutes on each side. Any other germane amendment could also be offered but no debate would be allowed.

Offering of Amendments Printed in Record Precluded

§ 14.14 Where debate has been closed on a pending amendment in the nature of a substitute and all amendments thereto, adoption of that amendment would cause the stage of amendment to be passed and amendments, even though printed in the Record, could not thereafter be offered to the bill.

On Apr. 23, 1975,⁽¹⁷⁾ uring consideration of a bill⁽¹⁸⁾ n the Committee of the Whole, an amendment in the nature of a substitute was offered and the following proceedings occurred:

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Edgar:

15. The International Monetary Fund Authorization.

16. Donald J. Pease (Ohio).

17. 121 CONG. REC. 11491, 11499, 94th Cong. 1st Sess.

18. H.R. 6096, Vietnam Humanitarian and Evacuation Assistance Act.

Strike out everything after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Vietnam Humanitarian Assistance and Evacuation Act of 1975".

Sec. 2. The President is directed to evacuate from South Vietnam within ten days of the enactment of this Act the following categories of persons:

- (1) United States citizens;
- (2) dependents of United States citizens and of permanent residents of the United States; and
- (3) Vietnamese nationals eligible for immigration to the United States by reason of their relationships to United States citizens. . . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I move that all debate on this substitute amendment and all amendments thereto close at 4 p.m.

THE CHAIRMAN:⁽¹⁹⁾ The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, inasmuch as the substitute offered by the gentleman from Pennsylvania would preclude many of us from offering amendments which had heretofore been dropped into the hopper and printed in today's Record in compliance with the rules, will we be granted the set-aside 5 minutes to present our amendments inasmuch as the substitute amendment offered by the gentleman from Pennsylvania [Mr. Edgar] would extinguish our right to offer an amendment at that point?

THE CHAIRMAN: If the amendment in the nature of a substitute offered by

the gentleman from Pennsylvania [Mr. Edgar] is agreed to, the stage of amendment would have been passed and no further amendments would be in order to the bill.

Effect of Special Order

§ 14.15 When the Committee of the Whole is operating under a special order limiting consideration of all amendments to a number of hours of consideration, and the Committee rises during that time immediately following the offering of an amendment, that amendment remains pending when the Committee resumes its sitting and subsequent amendments may be offered only after its disposition and during the time remaining for consideration of all amendments; no amendments may be offered thereafter, since the special order terminates consideration and overrides Rule XXIII clause 6, which would otherwise guarantee additional time for amendments printed in the Record.

An example of the situation described above occurred on Apr. 9, 1986,⁽²⁰⁾ during consideration of H.R. 4332 (the Firearms Law Re-

19. Otis G. Pike (N.Y.).

20. 132 Cong. Rec. 6896, 6897, 99th Cong. 2d Sess.

form Act). The proceedings in the Committee of the Whole were as follows:

The Clerk read as follows:

Amendment offered by Mr. Hughes to the amendment, as amended, offered by Mr. Volkmer as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended: Page 7, line 10, strike out "shall not apply" and all that follows through "firearms)" in line 2 on page 8, and insert in lieu thereof the following: "shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located. . . .

MR. [WILLIAM J.] HUGHES [of New Jersey]: Mr. Chairman, I yield the balance of my time, and move that the Committee do now rise.

THE CHAIRMAN:⁽¹⁾ The gentleman yields back the balance of his time and moves that the Committee rise. . . .

MR. [CHARLES] ROEMER [of Louisiana]: Is it the position of the House, Mr. Chairman, that when we rise and meet tomorrow, the Hughes amendment pending now would begin the debate?

THE CHAIRMAN: The gentleman from Louisiana is exactly correct.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. VOLKMER: When we come in tomorrow and the Committee begins to act on the bill, we will have only the time left under the 5 hours for amendments, is that not correct?

THE CHAIRMAN: The gentleman is correct.

MR. VOLKMER: Which right now is approximately 1 hour?

THE CHAIRMAN: The gentleman is correct.

MR. VOLKMER: And then the rest of the amendments, are they cut off? Or do we go ahead for those that are in the Record and vote on them after 5 minutes each?

THE CHAIRMAN: There will not be any amendments that would be in order after the conclusion of the 5-hour consideration.

Recognition for Amendments Before and After Expiration of Debate Time

§ 14.16 The Committee of the Whole having agreed to a limitation on debate under the five-minute rule on a section of a bill and all amendments thereto, distribution of the time under the limitation is within the discretion of the Chair, who may recognize under the limitation first those Members offering amendments which have not been printed in the Congressional Record, and Members speaking in opposition to such amendments, and then recognize after the limitation has expired those Members with amendments printed in the Record, since such are debatable for 10 minutes not-

1. Charles B. Rangel (N.Y.).

withstanding the expiration of the limitation.

An example of the situation described above occurred on June 26, 1979,⁽²⁾ during consideration of H.R. 3930⁽³⁾ in the Committee of the Whole. The proceedings were as follows:

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I move that all debate on section 3 and all amendments thereto cease at 6:40 p.m.

The question was taken; and on a division (demanded by Mr. Rousselot) there were—ayes 43, noes 33. . . .

THE CHAIRMAN:⁽⁴⁾ . . . The Committee has just voted to end all debate on section 3 and all amendments thereto at 6:40. The Chair in a moment is going to ask those Members wishing to speak between now and then to stand. The Chair will advise Members that he will attempt, once that list is determined, to recognize first those Members on the list with amendments which are not protected by having been printed in the Record.

The Chair would ask those Members wishing to be recognized in the remaining 20 minutes to stand. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, did I understand the Chair correctly that Members who are protected by having their amendments printed in the Record will not be recognized until the time has run so that

those Members will only have 5 minutes to present their amendments, but that other Members will be recognized first for the amendments which are not printed in the Record?

THE CHAIRMAN: Those Members who are recognized prior to the expiration of time have approximately 20 seconds to present their amendments. Those Members whose amendments are printed in the Record will have a guaranteed 5 minutes after time has expired. . . .

MR. BROWN of Ohio: In what way does that protect Members by having their amendments then printed in the Record? It would seem to me they are penalized by having their time limited to 5 minutes and the other time goes ahead and runs in terms of general debate.

THE CHAIRMAN: The Chair will advise the gentleman that Members do not need and are not required to seek their protection for debate on the amendment under the rules, but if they do not they will be recognized for at most 20 seconds instead of 5 minutes. . . .

The Chair will now recognize those Members who wish to offer amendments which have not been printed in the Record.

The Chair will advise Members he will recognize listed Members in opposition to the amendments also for 20 seconds.

MR. [RICHARD] KELLY [of Florida]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KELLY: Mr. Chairman, is it not regular order that the Members of the

2. 125 CONG. REC. 16677, 16678, 96th Cong. 1st Sess.

3. Defense Production Act Amendments of 1979.

4. Gerry E. Studds (Mass.).

Committee with amendments be given preference and recognition?

THE CHAIRMAN: The Chair would advise the gentleman once the limitation of time has been agreed to and time divided, that priority of recognition is within the complete discretion of the Chair.

Pro Forma Amendments

§ 14.17 When the time for debate on a bill is limited by unanimous consent prior to the conclusion of the reading thereof, and time for debate then expires, the remainder of the bill is read but pro forma amendments are not then in order.

On Sept. 12, 1968,⁽⁵⁾ the following proceedings took place:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto close in 30 minutes. . . .

There was no objection.

Following debate, the proceedings continued as indicated below:

THE CHAIRMAN:⁽⁶⁾ All time has expired.

The Clerk will read.

The Clerk concluded the reading of the bill.

5. 114 CONG. REC. 26566, 26574, 90th Cong. 2d Sess. Under consideration was H.R. 18707 (Committee on Appropriations).

6. Daniel D. Rostenkowski (Ill.).

MR. [JOHN E.] MOSS Jr., [of California]: Mr. Chairman, I move to strike the last word.

THE CHAIRMAN: The parliamentary situation is such that the gentleman cannot be recognized for that purpose since all debate has been concluded.

Parliamentarian's Note: This procedure was by unanimous consent only, as the Chair does not normally entertain a request to limit debate on an entire bill until reading thereof has been completed or dispensed with.

§ 14.18 After time set for debate on a bill and all amendments thereto had expired, no pro forma amendments were allowed, although further amendments could be offered but not debated.

A motion to strike the last word is not in order after all time for debate on a bill has expired. The following proceedings, which took place on July 18, 1968,⁽⁷⁾ are an illustration of the application of this principle:

MR. [E. ROSS] ADAIR [of Indiana]: Mr. Chairman, I rise to strike the requisite number of words.

7. 114 CONG. REC. 22110, 90th Cong. 2d Sess. Under consideration was H.R. 15263 (Committee on Foreign Affairs), the Foreign Assistance Act of 1968.

THE CHAIRMAN:⁽⁸⁾ Under the unanimous-consent agreement,⁽⁹⁾ all time for debate has expired.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, I offer an amendment. Do I correctly understand I cannot discuss it?

The amendment was read.

MR. HAYS: Do I correctly understand that all time to explain amendments has expired?

THE CHAIRMAN: The gentleman is correct.

Parliamentarian's Note: Special provision is made in Rule XXIII clause 6 (as amended in 1971), *House Rules and Manual* §874 (101st Cong.), for debate on any amendment which a Member has caused to be printed in the Record.

C. OFFERING PARTICULAR KINDS OF AMENDMENTS; PRECEDENCE AND PRIORITIES

§ 15. Introductory; Perfecting Amendments, Generally

The broader principles governing the order in which amendments are considered during the process of reading a bill for amendment have been discussed in prior sections.⁽¹⁰⁾ Similarly, the general rules governing the number and forms of amendments that may be under consideration at any one time have been treated elsewhere.⁽¹¹⁾ The purpose of this and ensuing sections is to consider procedures applicable in offering specific kinds of amendments.

It should be noted at the beginning that a motion to strike out

the enacting words of a bill, being a device used for purposes of rejecting the bill, has precedence over a motion to amend the bill.⁽¹²⁾

Generally, the House follows the principle expressed in Jefferson's Manual that language should be perfected before taking other action on it. Thus, a perfecting amendment to the text of a bill is in order and takes precedence over a pending motion to strike out the text.⁽¹³⁾ The term "perfecting amendment," of course, includes amendments or motions to strike out and insert.⁽¹⁴⁾

8. Charles M. Price (Ill.).

9. See Sec. 14.12, *infra*, for discussion of an instance where five-minute debate was closed by motion.

10. See, for example, §7–10, *supra*.

11. See, §5, 6, *supra*.

12. Rule XXIII clause 7, *House Rules and Manual* §875 (101st Cong.).

13. See §15.3, *infra*.

14. See, generally, §16, *infra*.